

## PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

RAYMOND LAPLANTE  
HU YANG  
TA YEN CHING  
GANGFENG CAI

Serial No.: 09/800,418

Filed: March 6, 2001

For: COMPATIBLE BLEND SYSTEMS OF  
OXYGEN BARRIER POLYMERS AND  
OXYGEN SCAVENGING POLYMERS

Group Art Unit: 1711

Examiner: Jeffrey C. Mullis

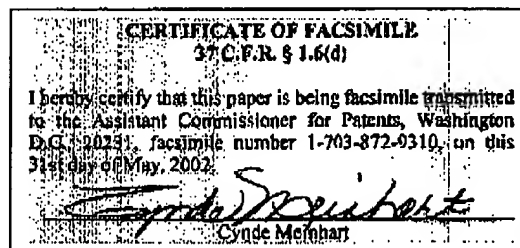
Attorney Docket: 2039.008800RFE

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OfficialRESPONSE TO ELECTION REQUIREMENT  
DATED MAY 2, 2002

Assistant Commissioner for Patents

Washington, D.C. 20231

Sir:



This paper is submitted in response to the Election Requirement dated May 2, 2002, for which the date for response is June 2, 2002.

It is believed that no fee is due; however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to this document, the Assistant Commissioner is authorized to deduct said fees from Williams, Morgan & Amerson, P.C. Deposit Account No. 50-0786/2039.008800RFE.

In the Election Requirement, the Examiner stated Applicants are required to elect one species of several different genera in the paragraph bridging pages 2-3. The following table presents the genera set forth by the Examiner; the species elected by Applicants; and a listing of all claims readable on each elected species. Applicants present this election without traverse.

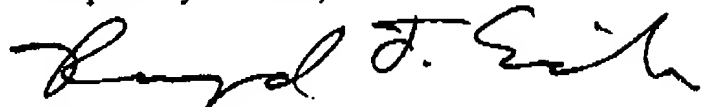
**Table 1: Genera, elected species, and claims readable thereon**

Genus	Elected species	Claims readable thereon
Oxygen barrier polymers recited in claim 1	poly(ethylene/vinyl alcohol) (EVOH)	1, 14, 36, and 40
Oxygen scavenging polymers selected from polyamide oligomers or polymers derived at least in part from xylylene diamine based monomers	MXD6	1, 2, 4, 14, 15, 17, 36, 38, 40, and 42
Photoinitiators recited in claims 10-11	tribenzoyl triphenylbenzene	9-11, 22-24, and 44
Transition metals recited in claim 19	cobalt	1, 6-8, 18-21, 36, and 43
Antioxidants recited in claim 20 [sic] (Applicants presume the Examiner meant to refer to claim 11)	2,6-di(t-butyl)-4-methylphenol(BHT)	12, 13, 25, 26, and 45
Packaging articles selected from a single layer flexible article, a multilayer flexible article, a single layer rigid article, or a multilayer rigid article	a multilayer rigid article	14, 18, 27, 29, 31, 35, 40, 43, and 46-49
Packaging articles either comprising structural layers or not comprising structural layers, and if comprising, structural layer components recited in claim 30	packaging articles comprising structural layers; and polyethylene terephthalate (PET)	29, 30, and 47

Genus	Elected species	Claims readable thereon
Packaging articles either comprising scavenging layers or not comprising scavenging layers, and if comprising, scavenging layer components recited in claims 32-33	packaging articles not comprising scavenging layers	31-34, 48
Packaging articles recited in claim 49	a multilayer rigid article	14, 18, 27, 29, 31, 35, 40, 43, and 46-49

The Examiner is invited to contact the undersigned patent agent at (713) 934-4065 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,



Raymund F. Eich  
Reg. No. 42,508

AGENT FOR APPLICANTS

WILLIAMS, MORGAN & AMERSON, P.C.  
7676 Hillmont, Suite 250  
Houston, Texas 77040  
(713) 934-4065  
(713) 934-7011 (fax)

May 31, 2002

**WILLIAMS, MORGAN & AMERSON, P.C.**

7676 Hillmont, Suite 250, Houston, TX 77040  
(713) 934-7000 Fax (713) 934-7011

**Fax**

<b>To:</b>	Examiner Jeffrey C. Mullis Group Art Unit : 1711	<b>From:</b>	Raymund F. Eich, Ph.D.
<b>Fax:</b>	1-703-872-9310	<b>Phone:</b>	713-934-4065
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